

1 BEFORE THE BOARD OF OSTEOPATHIC
2 EXAMINERS IN MEDICINE AND SURGERY OF THE STATE OF ARIZONA
3

4 In the Matter of the License of)
5 HARVEY WILLIAMS, D.O.)
6 Holder of License No. 1258 for)
7 the Practice of Osteopathic)
8 Medicine in the State of Arizona)

No. 93-004

FINDINGS OF FACT, CONCLUSIONS
OF LAW DECREE OF CENSURE AND
ORDER OF PROBATION

9 The above-captioned matter came before the Board of
10 Osteopathic Examiners in Medicine and Surgery of the State of
11 Arizona ("Board") for informal interviews pursuant to A.R.S. §32-
12 1855 on March 6, 1993. Following the Board's review of evidence
13 obtained by it and having considered all the evidence and
14 information for purposes of issuing this Decree of Censure, and
15 being fully advised, entered the following Findings of Fact,
16 Conclusions of Law, Decree of Censure, and Order of Probation.

17 FINDINGS OF FACT

18 1. On March 29, 1989, HARVEY WILLIAMS, D.O., ("Williams")
19 performed a bi-lateral breast implant procedure on patient D.L.

20 2. Sometime between March 29, 1989 and July 13, 1989, patient
21 D.L.'s left breast developed an infection at the site of the
22 implant.

23 3. During the period July 13, 1989 through October 22, 1990,
24 Williams, and other physicians working under his supervision
25 provided care and treatment to patient D.L. for on-going and/or
26 recurring infection of her left breast at the site of the implant.
27 Williams' care and treatment included, but was not limited to,
28

1 removal and replacement of the original implant.

2 4. During the period March, 29, 1989 through October 22, 1990
3 Williams, as the original surgeon for patient D.L., was responsible
4 for the care and treatment rendered to patient D.L., and was
5 responsible for maintaining an adequate record of the care and
6 treatment rendered to patient D.L. The patient records maintained
7 by Williams were not sufficiently clear and well organized.

8 5. During the period March 29, 1989 through October 22, 1990,
9 Williams did not maintain an adequate record of the care and
10 treatment rendered to patient D.L. by himself and by physicians
11 working under his supervision or working in collaboration with him.

12 6. On August 5, 1989, a bacterial culture was obtained from
13 the left breast of patient D.L., this culture was reported as
14 positive for enterobacter and E. Coli bacteria. Records noting
15 this were included in patient D.L.'s chart maintained by Williams.

16 7. Although Williams was or should have been aware of the
17 bacteria present at the infection site in patient D.L.'s left
18 breast, he only removed the implant from the infection site on
19 April 24, 1990.

20 CONCLUSIONS OF LAW

21 8. The Board of Osteopathic Examiners in Medicine and Surgery
22 of the State of Arizona has jurisdiction over the subject matter
23 hereof and of the licentiate pursuant to A.R.S. §32-1800 et seq.

24 9. The Board has the legal authority pursuant to A.R.S. §32-
25 1855(E)(3), to issue this Decree of Censure and Order of Probation.

26 10. The conduct described in paragraphs 6 and 7 establishes
27 that Harvey Williams, D.O. has engaged in unprofessional conduct in
28 violation of A.R.S. §32-1854(19) to wit: Any conduct or practice

1 | which does or might constitute a danger to the health, welfare or
2 | safety of the patient.

3 | 11. The conduct described in paragraphs 1-5 establishes that
4 | Harvey Williams, D.O. has engaged in unprofessional conduct in
5 | violation of A.R.S. §32-1854(21) to wit: Failure or refusal to
6 | maintain adequate records on a patient.

7 | 12. The Board also finds that the conduct described in
8 | paragraphs 1-7 are examples of poor post-operative supervision of
9 | patient D.L. as provided by Harvey Williams, D.O. See, A.R.S. §32-
10 | 1854(19).

11 | ORDER

12 | Based upon the foregoing Findings of Fact and Conclusions of
13 | Law, the Board hereby censures Harvey Williams, D.O., for
14 | unprofessional conduct which was harmful to the public health and
15 | safety. *(Case #1382)*

16 | Based upon the foregoing Findings of Fact and Conclusions of
17 | Law, it is hereby ORDERED that Harvey Williams, D.O.:

18 | 1. be placed on probation for a period of not less than two
19 | (2) years;

20 | 2. complete a minimum of 10 hours of Board approved
21 | continuing medical education in the area of record keeping within
22 | one (1) year from the date of this order;

23 | 3. make his records open for inspection by the Board or its
24 | designate upon appropriate notice;

25 | 4. meet with the Board upon its request to review compliance
26 | with the terms and conditions of this order;

27 | 5. bear any and all costs associated with compliance with
28 | this order.

1 DONE and ENTERED this 12th day of May, 1993.

2 ARIZONA BOARD OF OSTEOPATHIC
3 EXAMINERS IN MEDICINE AND SURGERY
4 OF THE STATE OF ARIZONA

5 By Paul M. Steingard D.O.
6 Paul M. Steingard, D.O.
7 Vice-President

8 By Robert J. Miller
9 Robert J. Miller, Ph.D.
10 Executive Director
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28